

SIMMONS, JANNACE & STAGG, L.L.P.

KEVIN P. SIMMONS
STEVEN D. JANNACE
THOMAS E. STAGG*
DEBRA LYNNE WABNIK*
DANIEL P. GREGORY*
ANDREW KAZIN
SAL F. DELUCA

JONATHAN M. BERNSTEIN*
JASON W. CREECH
JACQUELINE DELLA CHIESA
GEORGE C. FONTANA
MICHAEL D. KERN
ALLISON C. LEIBOWITZ
ADAM M. LEVY
HALEY E. OLAM
MARVIN N. ROMERO*
MICHELLE E. TARSON*
SHAWN TOCK
MELISSA M. VENTURA*
PAUL J. WINTERSTEIN

ATTORNEYS AT LAW
75 JACKSON AVENUE
SYOSSET, NEW YORK 11791-3139
(516) 357-8100
FAX (516) 357-8112

700 CANAL STREET
STAMFORD, CONNECTICUT 06902

COUNSEL

SUSAN B. JANNACE
ROSS M. CHINITZ
KRISTEN RENZULLI*

*ALSO ADMITTED NJ
ALSO ADMITTED CT
ALSO ADMITTED DC

March 19, 2009

VIA ECF and Facsimile

The Honorable A. Kathleen Tomlinson
United States District Magistrate Judge
United States District Court
Eastern District of New York
Long Island Courthouse
100 Federal Plaza
Central Islip, New York 11722

Re: Kevin Hughes and Allison Hughes v. Bank of America, N.A.
successor by merger to Fleet National Bank; Trans Union, LLC
and NCO Financial
Docket No.: CV 08 0883 Bianco, J./Tomlinson, M.J.

Dear Magistrate Judge Tomlinson:

We represent Bank of America N.A. ("Bank of America") in this matter. Your Honor ordered the parties to file a joint letter advising the Court of progress with discovery and issues and/or disputes to be discussed at the March 23, 2009 discovery conference. However, plaintiffs have preemptively filed motions to compel relating to their document requests and interrogatories and several issues remain in dispute. Bank of America believes these disputes can be resolved without motion practice and asks that these motions be held in abeyance pending the March 23rd conference.

Plaintiffs and Bank of America have responded to each other's document requests and interrogatories, but were unable to reach a resolution regarding their disputes. With regard to the aforementioned motions to compel, Bank of America opposes them. However, rather than engaging in motion practice and unnecessarily spending time and money, we would like to attempt to resolve the outstanding issues at the March 23rd conference. Our principal concern is that the majority of plaintiffs' document requests and interrogatories are not limited to the time period relevant to the allegations in the Amended Complaint, seek documents unrelated to the

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accounts at issue in this action, and are unduly burdensome. Defendant also objects on other grounds which can be addressed at the March 23rd conference.

We believe that, with Your Honor's guidance, the parties can resolve the outstanding discovery disputes at the March 23rd conference.

In addition to these issues, Bank of America has requested that plaintiffs supplement their responses to Bank of America's document requests so that they identify the documents responsive to each request rather than merely referring it to 740 pages of documents produced. Bank of America would like to discuss this issue as well as plaintiffs' failure to respond to certain document requests and interrogatories at the March 23rd conference. Bank of America would also like to address issues regarding plaintiffs' proposed second amended complaint and plaintiffs' recently served Notice to Admit.

Respectfully Submitted,

/s/Thomas E. Stagg

Thomas E. Stagg (ts-0662)

cc: Joseph Mauro, Esq. (via ECF and Facsimile)
The Law Office of Joseph Mauro, LLC
306 McCall Avenue
West Islip, New York 11795